

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Dominic Sabbia,

Civil No. 06-3083 DWF/AJB

Plaintiff,

v.

**ORDER ON DEFENDANT'S MOTION  
TO DISMISS AND PLAINTIFF'S MOTIONS  
FOR DECLARATORY JUDGMENT  
AND DEFAULT JUDGMENT**

Marshall Fields,

Defendants.

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Dominic Sabbia, *Pro Se*, Plaintiff.

Cathryn E. Albrecht, Esq., and David J. Duddleston, Esq., Jackson Lewis LLP, counsel  
for Defendant.

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Based upon the Report and Recommendation by United States Magistrate Judge  
Arthur J. Boylan dated January 31, 2007, with all the files and records, and no objections  
having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendant Marshall Fields' Rule 12(b)(6) Motion to Dismiss Plaintiff's  
Complaint (Doc. No. 41) is **GRANTED**.

2. Plaintiff Dominic Sabbia's Emergency Instantor Motion for Declaratory  
Judgement, Motion to Stop, and Emergency Instantor Motion for Summary Judgment  
(Doc. No. 10) is **DENIED AS MOOT**.

3. Plaintiff's Emergency Motion to hold Marshall Fields in Default of my Complaint and my Motions and Asses[s] Damages and Emergency Motion to hold Marshall Fields Lawyers (Jackson/Lewis) in Contempt of Court for Violating this Courts August 22nd 2006 Order (Doc. No. 27) is **DENIED AS MOOT**.

Dated: February 28, 2007

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court